

ASSEMBLY BILL

No. 2586

Introduced by Assembly Member Parra

February 24, 2006

An act to amend Section 1170.9 of the Penal Code, relating to sentencing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2586, as introduced, Parra. Veterans: federal incarceration.:

Under existing law, if a convicted defendant was a member of the military forces of the United States who served in combat in Vietnam and who suffers from substance abuse or psychological problems resulting from that service, the court may, under specified circumstances, order the defendant committed to the custody of federal correctional officials for incarceration for a term equivalent to that which the defendant would have served in state prison.

This bill would make technical nonsubstantive changes in that provision of law.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1170.9 of the Penal Code is amended to
- 2 read:
- 3 1170.9. In the case of any person convicted of a felony who
- 4 would otherwise be sentenced to state prison, the court shall
- 5 consider whether the defendant was a member of the military
- 6 forces of the United States who served in combat in Vietnam and
- 7 who suffers from substance abuse or psychological problems

1 resulting from that service. If the court concludes that the
2 defendant is such a person, the court may order the defendant
3 committed to the custody of federal correctional officials for
4 incarceration for a term equivalent to that which the defendant
5 would have served in state prison. The court may make such a
6 commitment only if the defendant agrees to ~~such a~~ *that*
7 commitment, the court has determined that appropriate federal
8 programs exist, and federal law authorizes the receipt of the
9 defendant under such conditions.

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